

Page 2

Remarks

This response is in reply to a final office action that was mailed on August 9, 2005. Applicant left a message with the examiner on August 16, 2005 to discuss the merits of this case but received no reply. Accordingly, we are submitting this after-final response within the two month time frame.

In the office action, the examiner rejected claims 1-8, 10-17 as being rendered obvious by Tappel in view of Luff et al. The applicant, however, respectfully transverses the rejection.

The applicant has amended the claims to ensure that the language "dispersion unit" is not confused with a "conduit." The claims call for (1) a single control system in either the head section or the foot section, (2) a first dispersion unit in the section not containing the control system that receives electrical signals from the control system to allow fluid into the first dispersion unit and into conduits that direct the fluid into the inflatable bladders in the section of the first dispersion unit, and (3) a second dispersion unit in the section containing the control system that receives electrical signals from the control system to allow fluid into the second dispersion unit and into conduits that direct the fluid into the inflatable bladders in the section of the second dispersion unit. Conduits and dispersion units operate differently – conduits merely transport a fluid from one point to another point, while the dispersion unit operates in conjunction with the electrical signals (instructions) from the control system. The antecedent basis for this language is found throughout the specification and the figures.

The present invention uses electrical signals to communicate between the two different sections (foot and head) of the mattress.

Tappel discloses a NON-CONVERSION, self-contained mattress. A Non-Conversion mattress remains in a single plane, and has no notches in the mattress (as present in conversion mattresses) that can kink fluid hoses that protrude from one end of the bed to the other. The present invention avoid kinking by using an electrical signal and using fluid conduits only in particular sections. Tappel has its conduits stretch the entire length of the mattress. The length of those conduits would subject the present invention to kinking if the Tappel mattress was ever converted to a conversion mattress.

Tappel also discloses a single dispersion unit (manifold and valves) in the foot section of the mattress and no where else in the mattress.

The claimed invention calls for a conversion, self-contained mattress. Tappel does not disclose such a mattress. The use of a single dispersion unit (a manifold and valves) does not allow Tappel's mattress to be a self-contained conversion mattress because the fluid conduits that extend from the single dispersion unit will be kinked if it is ever converted to a conversion mattress.

The examiner identifies item 113 as a dispersion unit. At column 5, lines 9-10; Tappel unequivocally identifies item 113 as an "L-shaped tube." Tubes are conduits (see Merriam-Webster's Online dictionary and thesaurus that confirms conduits, pipes and tubes are synonymous). Moreover, the presently claimed invention (in the independent claims) clearly and unambiguously distinguishes dispersion units from conduits (tubes) when it calls for

at least one **dispersion unit** in each section and each dispersion unit provides a

Page 3

fluid, obtained from the fluid source, to a **conduit** which directs the fluid into the inflatable bladder positioned in the section of the dispersion unit;

Pursuant to the claim language, a dispersion unit is not and is never just a conduit and/or tube. Accordingly, the examiner's broad interpretation to define a mere tube device as a dispersion unit is improper.

There is also not one teaching, disclosure or suggestion that Tappel's mattress can ever be used as a conversion mattress as claimed. No where does Tappel teach, suggest or disclose that his system can solve and/or address at least the kinking hose problem that is present with conventional conversion mattresses – one which is disclosed by Luff et al.

Luff et al. disclose a conventional conversion, **NON-SELF-CONTAINED** mattress. The mattress has an air bladder that extends from the foot to the head section of the mattress (king sized mattresses have two air bladders placed side-by-side from the foot to the head section). See figure 2 and column 3, lines 14-33 of the '065 patent to Luff et al. The mattress overlies a frame. Attached to the frame, **NOT IN THE MATTRESS FOR A SELF-CONTAINED MATTRESS SYSTEM**, are control circuitry, a dispersion unit that directs air through conduits that are interconnected to the air bladders. As illustrated in figures 1- 5, the frame and the frame's components are not within the mattress. That means, Luff et al. fail to disclose a self-contained mattress as claimed.

Luff et al. fail to disclose, teach, or suggest any semblance of a self-contained, convertible mattress. Moreover, the examiner is unable to find any reference that discloses, suggests, or teaches a conversion mattress being self-contained. Why this failure of references even though the examiner believes it is obvious to incorporate the convertible functions into a non-convertible, self-contained mattress? Applicants believe this failure is because no one has previously been able to solve the kinking problem between the head section and the foot section that is normally in self-contained, convertible mattresses.

Notice that each independent claims calls for (1) at least a first dispersion unit in the head section of the self-contained, convertible mattress; (2) at least a second dispersion unit in the foot section of the self-contained, convertible mattress; and (3) at least one control system positioned in either the foot or head section of the self-contained, convertible mattress. Neither Tappel nor Luff et al. disclose, teach or suggest any device that has these three items, as claimed.

The other cited references were relied upon by the examiner for different purposes than the failings set forth above. Moreover, none of the cited references disclose the instant invention or any self-contained conversion mattress unit as claimed. Accordingly, we will not address these references in this response.

In view of this response, it is respectfully submitted that the instant application is now in condition for allowance and that such allowance is earnestly requested.